

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
)	WDTX Case No. SA04CR093-(02)-RF
vs.)	EDTN Mag. No. 1-09-MJ-179
)	
)	JUDGE CARTER
DAVID THEODORE SCHUCH)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on May 13 and May 14, 2009, in accordance with Rule 40 of the Federal Rules of Criminal Procedure on the Warrant for Arrest and Petition for Warrant or Summons for Offender Under Supervision issued by U.S. District Judge W. Royal Furgeson in the Western District of Texas. Those present for the hearing included:

- (1) AUSA's Jay Woods and Steve Neff for the USA.¹
- (2) The defendant, David Theodore Schuch.
- (3) Attorney Mary Ellen Coleman.²
- (4) U.S. Probation Officer Mike Stuart.
- (5) Courtroom Deputy Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

Defendant qualified for appointment of counsel and Attorney Mary Ellen Coleman of Federal Defender Services of Eastern Tennessee, Inc. was appointed at the May 13, 2009 hearing. It was determined the defendant had been provided with a copy of the Warrant and Petition for Warrant or Summons for Offender Under Supervision and had the opportunity of reviewing those documents with Atty. Coleman. It was determined defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Steve Neff moved that defendant be detained pending his hearing before U.S. District

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²Attorney Tony Martinez, Federal Defender Services, 707 Georgia Avenue, Suite 203, Chattanooga, Tennessee 37402 Telephone: [423] 756-4349. Fax: [423] 756-4345.

Judge W. Royal Furgeson in the Western District of Texas.

AUSA Neff called USPO Mike Stuart as a witness and moved that the defendant be detained pending a revocation hearing.

Findings

(1) Based upon USPO Stuart's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(c) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

_____ It is ORDERED:

(1) The motion of AUSA Neff that the defendant be DETAINED WITHOUT BAIL pending a revocation hearing in the Western District of Texas is GRANTED.

(2) The U.S. Marshal shall transport defendant to the Western District of Texas for a hearing at the U.S. Courthouse, 655 East Durango Blvd., San Antonio, Texas 75206.

ENTER.

Dated: May 18, 2009

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE